

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES D. PIERON, JR.,

Defendant.

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Case 1:18-cr-20489

MOTION TO SUBMIT SUPPLEMENTAL JUROR QUESTIONNAIRE

TO THE HONORABLE COURT:

NOW COMES DEFENDANT, James D. Pieron, Jr. (“Defendant”), by and through undersigned counsel, Michael Louis Minns and Ashley Blair Arnett, and in the event Defendant’s Motion to Dismiss is not granted respectfully moves this Court to distribute a written juror questionnaire, and subsequently distribute the completed questionnaires to counsel for the parties well enough in advance of voir dire to allow counsel to effectively and efficiently attempt to seat a jury in this case, for the reasons set forth in the Memorandum in Support of Motion to Submit Supplemental Juror Questionnaire filed herewith. Defendant will supplement this Motion with a proposed supplemental Juror Questionnaire.

Respectfully submitted on October 31, 2018

MINNS & ARNETT

/s/ Ashley Blair Arnett

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**DEFENDANT’S MEMORANDUM IN SUPPORT OF
MOTION TO SUBMIT SUPPLEMENTAL JUROR QUESTIONNAIRE**

TO THE HONORABLE COURT:

NOW COMES DEFENDANT, James D. Pieron, Jr. (“Defendant” or “Pieron”), by and through undersigned counsel, and submits this Memorandum in Support of Defendant’s Motion To Submit Supplemental Juror Questionnaire, for the reasons set forth below.

INTRODUCTION

Defendant is charged with one count of tax evasion. Pieron was partners with Trevor Cook (“Cook”), who was found guilty of operating a Ponzi scheme during the investigation. Pieron was not indicted but the Government’s lawyers have indicated they believed he was a co-conspirator. During Cook’s trial there was a lot of negative media attention, and Pieron’s name was mentioned. The defense will seek by separate Motion for all mention of Cook, his trial, and his conviction be kept out of Pieron’s trial. An exhaustive inquiry into each potential juror’s qualifications is Defendant’s only hope for seating a fair and impartial jury.

ARGUMENT

By granting this Motion and requiring each potential juror to complete the proposed questionnaire, this Court can take a significant step toward ensuring that the specific rights guaranteed a defendant are exercised in an informed and meaningful fashion in this case.

The information derived from a questionnaire should expedite voir dire, ensure proper excusal for cause, promote the judicious use of peremptory challenges, and reduce the likelihood of prejudicial error. The questionnaire as such will not only benefit both the defense and the Government in ensuring that a qualified jury is chosen, it is a prerequisite for preserving any possibility that a fair and impartial jury can be seated. The federal courts have consistently found. *See, e.g., Skilling v. United States*, 561 U.S. 358 (2010) (jury questionnaire based on defense's suggested more specific questions that asked prospective jurors about beliefs and sources of news and exposure to related publicity around case). Indeed, this District approves such questionnaires. *See, e.g., United States v. Nicholson*, No. 13-20764, 2014 WL 5312276 (E.D. Mich. Oct. 17, 2014) (use of lengthy jury questionnaire used to provide parties with maximum information during the voir-dire process); *United States v. Kilpatrick*, No. 10-20403, 2012 WL 3237147, at *4 (E.D. Mich. Aug. 7, 2012) (parties had at their disposal detailed juror questionnaire they helped create to “ferret out prejudicial bias”).

Use of a questionnaire allows a prospective juror an adequate opportunity to reflect on very personal and complex issues. Not only does the use of a questionnaire permit prospective jurors to expend considerable time thinking about and formulating meaningful responses to the written questions posed, but prospective jurors who are exposed to questionnaires are more likely to give thoughtful, honest, and reflective answers to oral questions posed to them during the voir dire

process. Specific, meaningful questions presented in a personal manner may reveal biases that the prospective juror does not even recognize.

CONCLUSION

A supplemental juror questionnaire will provide information necessary to ensure that no improper bias or prejudice undermines Defendant's right to a fair trial. For all of these reasons, Defendant respectfully requests that the Court allow the use of the supplement juror questionnaire.

Respectfully submitted on October 31, 2018

MINNS & ARNETT

/s/ Ashley Blair Arnett

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Attorneys for James Pieron, Jr.

CERTIFICATE OF CONFERENCE

On October 30, 2018 the undersigned emailed AUSA Janet Parker. AUSA Janet Parker is opposed to a juror questionnaire.

/s/ Ashley Blair Arnett

Ashley Blair Arnett

CERTIFICATE OF SERVICE

This is to certify that on this 31st day of October 2018, a true and correct copy of the above and foregoing instrument was served upon all counsel of record.

/s/ Ashley Blair Arnett

Ashley Blair Arnett